## Remarks

Claims 16-18, 22 and 24 have been amended. Claims 19-21 have been cancelled.

Claims 16-25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Aikens et al. (U.S. Patent No. 6,216,113). Applicant's independent claims 16, 22 and 24 have been amended, and with respect to these claims, as amended, the Examiner's rejection is respectfully traversed.

Applicant's independent claims 16, 22 and 24 have been amended to more clearly recite the features of the present invention. In particular, independent claim 16 has been amended to recite a client terminal of the present invention, in which a software including a plurality of functions is installed and which is capable of communicating with a server apparatus, the client terminal including setting means for setting respective flags of the plurality functions into an enabling state and a disabling state, controlling means for controlling usability of the function in accordance with the state of the flag thereof set by the setting means, so as to make the function the flag of which is set in the enabling state, usable and make the function the flag of which is set in the disabling state, unusable, payment means for executing payment processing of a price of the function the flag of which is set in the enabling state, count means for counting the period in which the function the flag of which is set in the enabling state, remains being not used, prohibition request means for automatically requesting the server apparatus to prohibit the usability of the function if the counted period exceeds the predetermined period, and changing means for changing the state of the flag of the function from the enabling state to the disabling state in response to a response of the server apparatus to the prohibition request. Applicant's independent claims 22 and 24 have been similarly

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amended. The features recited in applicant's independent claims are disclosed in FIG. 8 of applicant's drawings.

The constructions recited in applicant's amended independent claims are not taught or suggested by the cited Aikens, et al. reference. The Examiner has acknowledged that the Aikens, et al. patent does not expressly disclose count means for counting a period in which the function remains being not executed, usability prohibition request means for requesting the server apparatus to prohibit a usability of the function if the counted period exceeds the predetermined period and payment terminal means for executing termination processing of payment of the price of the function the usability of which is prohibited in response to the request by the usability prohibition means. The Examiner has, however, argued that the Aikens, et al. patent discloses use of billing counters in Column 5 and the periodic accumulation of billing information in Column 4, lines 23-35, and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to cancel the account or to stop replenishing funds in the account if the billing count information was null upon billing information transfer.

Applicant has reviewed the portions of the Aikens, et al. patent cited by the Examiner and believes that there is nothing taught or suggested in Aikens, et al. that would make it obvious to one of ordinary skill in the art at the time the invention was made to modify the system in Aikens, et al. so as <u>to count a period in which the function the flag of which is set in the enabling state, remains being not used, to automatically request the server apparatus to prohibit the usability of the function is the counted period exceeds the predetermined period, and to change the state of the flag of the function from the enabling state to the disabling state in response to a response of the server apparatus to the prohibition request</u>. In particular, in

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Col. 4, lines 23-35 cited by the Examiner, Aikens, et al. disclose that billing data relating to the usage of a function by a user can be recorded in a memory of the device performing the function, e.g. in the memory of a printer performing a printing function, and that this billing data can be periodically printed or transferred to a billing and accounting station. Aikens, et al. also disclose in Column 5 use of billing counters or meters for accounting for use of the function selected by the user and for outputting a billing charge corresponding to the usage of the selected function. Col. 4, lines 36-53; Col. 5, lines 41-63. The teachings in Aikens, et al. of using billing counters to determine a billing charge for a function and of periodically transferring or printing billing data do not equate to controlling the usability of a function by counting a period in which an enabled function remains being not used and prohibiting usability of the function if the counted period exceeds a predetermined period. Instead, these teachings in Aikens, et al. are merely directed to collection of billing charges information for the use of selected function(s) and to periodic transfer of this information to a billing administrator. Even if the billing count information is null upon transferring of the accumulated billing information, the period between billing data transfers has no relation to the period during which a function is enabled and is not being used, or to the usability of the enabled function. Therefore, it would not have been obvious to a skilled artisan to count a period in which the function the flag of which is set in the enabling state, remains being not used, and to request the server apparatus to prohibit the usability of the function if the counted period exceeds the predetermined period.

Accordingly, applicant's amended independent claims 16, 22 and 24, each of which recites counting a period in which the function the flag of which is set in the enabling state, remains being not used, automatically requesting the server apparatus to prohibit the usability

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of the function if the counted period exceeds the predetermined period, and changing the state of the flag of the function from the enabling state to the disabling state in response to a response of the server apparatus to the prohibition request by the prohibition request means, and their respective dependent claims, are therefore not obvious, and patentably distinguish, over the cited Aikens, et al. patent.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

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Respectfully submitted,

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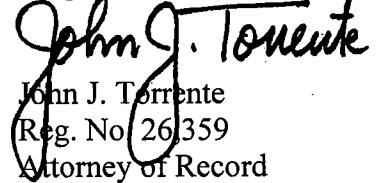
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